

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

FILED  
RICHARD W. HAGEL  
CLERK OF COURT  
2017 DEC 14 PM 3:56  
U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
WESTERN DIV. DAYTON

UNITED STATES OF AMERICA,	:	No. 3:17CR174TMR
	:	
Plaintiff,	:	<u>S U P E R S E D I N G</u>
	:	<u>I N D I C T M E N T</u>
v.	:	
	:	18 U.S.C. § 641
JOEL MONTGOMERY,	:	18 U.S.C. § 842(j)
	:	18 U.S.C. § 844(e)
Defendant.	:	18 U.S.C. § 5861(c)
	:	26 U.S.C. § 5861(d)
	:	FORFEITURE

The Grand Jury charges:

COUNT ONE

[26 U.S.C. § 5861(c)]

On or about June 24, 2015, in the Southern District of Ohio, defendant **JOEL MONTGOMERY** knowingly possessed a firearm -- namely, a silencer as defined in Title 18, United States Code, Sections 921 -- made in violation of chapter 53 of Title 26 of the United States Code -- namely, Title 26, United States Code, Sections 5821 and 5822.

In violation of Title 26, United States Code, Sections 5861(c).

COUNT TWO

[26 U.S.C. § 5861(d)]

On or about June 24, 2015, in the Southern District of Ohio, defendant **JOEL MONTGOMERY** knowingly possessed a firearm -- namely, a silencer as defined in Title 18, United States Code, Sections 921 -- not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Section 5861(d).

COUNT THREE

[18 U.S.C. § 842(j)]

On or about October 26, 2015, in the Southern District of Ohio, defendant **JOEL MONTGOMERY** knowingly stored any explosive material -- namely, blasting caps -- at the residence located at 2302 Schnebly Road, Spring Valley, Ohio in a manner not in conformity with the regulations promulgated by the Attorney General of the United States under 27 Code of Federal Regulations 555.201 *et seq.*

In violation of Title 18, United States Code, Section 842(j), and 27 Code of Federal Regulations 555.201 *et seq.*

COUNT FOUR

[18 U.S.C. § 641]

On or about October 26, 2015, in the Southern District of Ohio, defendant **JOEL MONTGOMERY** willfully and knowingly concealed and retained embezzled, stolen, purloined, and knowingly converted property of the United States -- namely, an AN/AAR-47 Missile Warning System -- of a value exceeding \$1000.00, with intent to convert this property of the United States to his own use and gain, and, at that time, defendant **JOEL MONTGOMERY** knew that this property of the United States had been embezzled, stolen, purloined, and knowingly converted.

In violation of Title 18, United States Code, Section 641.

COUNT FIVE

[18 U.S.C. § 641]

On or about October 26, 2015, in the Southern District of Ohio, defendant **JOEL MONTGOMERY** willfully and knowingly concealed and retained embezzled, stolen, purloined, and knowingly converted property of the United States --namely, a Control Countermeasures Set Display Unit -- of a value exceeding \$1000.00, with intent to convert this property of the United States to his own use and gain, and, at that time, defendant **JOEL MONTGOMERY** knew that this property of the United States had been embezzled, stolen, purloined, and knowingly converted.

In violation of Title 18, United States Code, Section 641.

COUNT SIX

[18 U.S.C. § 844(e)]

Between on or about October 1, 2017 and on or about October 6, 2017, in the Southern District of Ohio, defendant **JOEL MONTGOMERY**, through the use of the telephone and an instrument of interstate commerce, willfully made threats to kill, to injure and to intimidate any individual by means of fire and an explosive.

In violation of Title 18, United States Code, Section 844(e).

COUNT SEVEN

[26 U.S.C. § 5861(d)]

On or about October 18, 2017, in the Southern District of Ohio, defendant **JOEL MONTGOMERY** knowingly possessed a firearm -- namely, a destructive device as defined in Title 26, United States Code, Section 5845(f) -- not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Section 5861(d).

FORFEITURE ALLEGATION 1

Upon conviction of one or more offenses set forth in Count 1 and Count 2 of this Superseding Indictment, defendant **JOEL MONTGOMERY**, shall forfeit to the United States, pursuant to 26

U.S.C. § 5872 and 28 U.S.C. § 2461(c), any firearm involved in such violation, and pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), any firearm or ammunition involved in or used in such violation, including but not limited to a silencer not registered to the Defendant in the National Firearms Registration and Transfer Record.

**SUBSTITUTE ASSETS**

If any of the property described in Forfeiture Allegations 1 and 2, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to 21 U.S.C.  
§ 853(p), as incorporated by 18 U.S.C. § 982(b)(1) or 28 U.S.C.  
§ 2461(c), to seek forfeiture of any other property of the  
defendant, up to the value of the property described above.

A TRUE BILL

B/signed  
Foreperson

BENJAMIN C. GLASSMAN  
United States Attorney

B. G. Tabacchi  
BRENT G. TABACCHI  
Assistant United States Attorney

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